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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,757	07/31/2001	Philippe Clement	MGRN : 394	2804

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PARKHURST & WENDEL, L.L.P.  
1421 Prince Street, Suite 210  
Alexandria, VA 22314-2805

EXAMINER
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EDWARDS JR, TIMOTHY

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No. **09/917,757**

Applicant(s)

CLEMENT ET AL.

Examiner

Timothy Edwards, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on amendment filed November 18, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) 3,9 and 53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8,10-23,25-27,29,31,32,35,39-42,44-46,52 and 54-56 is/are rejected.
- 7) ☒ Claim(s) 4,24,28,30,33,34,36-38,43 and 47-51 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Allowable Subject Matter***

The indicated allowability of claims 8,9,15,32,35, and 52 is withdrawn in view of the previously cited reference(s) Sorrells et al '866. Rejections based on this reference(s) follow.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 28 recites the limitation "and/or" in line 4. There is insufficient antecedent basis for this limitation in the claim. The specification page 20, lines 20-21 states, "anticollision processing means to manage transmission and receipt of communication frames".

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,5-8,10-14,16-23,25-27,29,31,32,35,39-42,44-46,52, and 54-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorrells et al '866.

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Considering claim 1, Sorrells discloses a radio frequency identification tag device with sensor input comprising, electrical components and a monitoring (see fig 2A and 2B); a) monitoring device comprising a receiving means connected to a sensor (see fig 2A and 2B, items 108 and 116); b) receiving means receives an electromagnetic radiation from an electromagnetic emitting means (see col 6, lines 26-32 and fig 7A and 7B); c) receiving power from electromagnetic emitter (see col 2, lines 28-32); 1) except Sorrells does not specifically recite the electromagnetic radiation receiving means are located on the side of the electrical apparatus and for being directed towards a support comprising means for emitting an electromagnetic radiation. Fig 7A and 7B shows an electromagnetic transmitting and receiving means in the same plane and confronting each other, with a sensor. Sorrells disclose (see col 2, lines 18-28) sensing discrete changes in voltage, current and resistance, which indicate the on/off status of a valve or circuit breaker. The depiction of the two devices of fig 7A and 7B would suggest the devices are located on the same support of an apparatus. Sorrells discloses in col 4, lines 10-21 the receiver of his system is passive and relies on power from an electromagnetic signal in proximity of the receiver. One of ordinary skill in the art readily recognizes the nature of transmitting/receiving electromagnetic signals might require the two devices to be in close proximity of each other. Applicant admits on page 1, lines 15-17, "auxiliary circuits are generally connected on the sides of the apparatus". Therefore, it would have been obvious to one of ordinary skill in the art the electromagnetic transmitting and receiving means of the Sorrells system could be located on the side of the electrical apparatus and for being directed towards a support because Sorrells

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shows an electromagnetic transmitting and receiving means in the same plane and confronting each other, with a sensor and the nature of transmitting/receiving electromagnetic signals might require the two devices to be in close proximity of each other. Also, applicant admits it is known in the art to locate auxiliary circuits on the sides of the apparatus.

Considering claims 2,16 Sorrells discloses the limitation of these claims see col 2, lines 1-17.

Considering claims 5,6,7 Sorrells discloses the limitation of these claims see col 4, lines 35-38.

Considering claim 8, the limitation of this claim is interpreted and rejected as stated in claim 1, part (1).

Considering claims 10,11 Sorrells discloses the limitations of these claims see col 2, lines 18-34.

Considering claim 12, Sorrells discloses the limitation of this claim see col 2, lines 50-61.

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Considering claim 13, Sorrells discloses the limitation of this claim see col 3, lines 28-37 and fig 10.

Considering claim 14, Sorrells discloses the limitation of this claim see col 4, lines 13-18.

Considering claim 17, Sorrells discloses the limitation of this claim see col 8, lines 3-10 and fig 10.

Considering claims 18,19 Sorrells discloses the limitations of these claims see col 5, lines 39-47.

Considering claim 20, Sorrells discloses the limitation of this claim see col 7, lines 39-46 and fig 10.

Considering claim 21, Sorrells discloses the limitation of this claim see col 2, lines 50-61.

Considering claims 22,23 Sorrells discloses the limitations of these claims see col 2, lines 46-49 and lines 65-67 and col 4, line 64 to col 5, line 6.

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Considering claim 25, Sorrells discloses the limitation of this claim see col 2, lines 50-61.

Considering claim 26, Sorrells discloses the limitation of this claim see col 8, lines 3-6 and fig 10.

Considering claim 27, Sorrells discloses the limitation of this claim see col 6, lines 30-47.

Considering claim 29, Sorrells discloses the limitation of this claim see figs 8A, 8B, and 9A-C.

Considering claim 30, Sorrells does not specifically recite an initialization means connected to the input circuit and the encode circuit. However, examiner takes official notice the use of an initialization means is well known in the art.

Considering claim 31, Sorrells does not specifically recite arranging the electrical apparatus of his invention in a modular electrical switchgear case. However, Sorrells discloses in col 2, lines 18-34 and col 3, lines 1-20 the use of a plurality of electrical apparatus (switch sensors). Applicant admits on page 1, lines 21-23 "electrical apparatus are modular to be fitted in a switchboard or a cabinet equipped with supports in the form of a rails"... Sorrells discloses detecting the state of a circuit breaker. A

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circuit breaker is the type of modular device that would fit in a cabinet equipped with supports in the form of rails. One of ordinary skills in the art would readily recognize the placement of the Sorrells device in a switchgear module would not alter or hinder the Sorrells system from carrying out its functions because Sorrells discloses the use of a monitoring of a circuit breaker that would require placement in a cabinet equipped with supports in the form of a rails. Therefore, it would have been obvious to one of ordinary skill in the art to place the Sorrells monitoring device in a switchgear case because Sorrells discloses the detection of a plurality of switch means and applicant admits the placement of circuit breakers in a cabinet equipped with supports in the form of a rail is well known in the art.

Considering claim 32, the limitation of this claim is interpreted and rejected as stated in claim 31.

Considering claim 35, Sorrells discloses the limitation of this claim see figs 7A and 7B.

Considering claim 39, the limitation of this claim is interpreted and rejected as stated in claim 31.

Considering claim 40, Sorrells discloses the limitation of this claim see col 4, lines 35-39.



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Considering claim 41, Sorrells discloses the limitation of this claim see col 6, lines 26-42 and figs 7A and 7B.

Considering claim 42, Sorrells discloses the limitation of this claim see col 2, lines 1-17.

Considering claim 44, Sorrells does not specifically recite communicating with a central unit. However, Sorrells discloses in col 7, lines 30-37 keeping track of the status and/or condition of several article. Sorrells disclose the use of an interrogator unit. It is known in the art to send status and condition information to a remote central unit for analysis and processing. Therefore, it would have been obvious to one of ordinary skill in the art the Sorrells system would have means to communicate with a central unit because Sorrells is concern with the monitoring of data that is sent to a central unit for analysis and processing.

Considering claim 45, the limitation of this claim is interpreted and rejected as stated in claim 44.

Considering claim 46, Sorrells discloses the limitation of this claim see col 5, lines 24-29.

Considering claim 52, the limitation of this claim is interpreted and rejected as stated in claim 31.

Considering claim 54, Sorrells discloses the limitation of this claim see col 2, lines 18-28.

Considering claims 55,56 the limitations of these claims are interpreted and rejected as stated in claim 54.

Claims 15, is rejected under 35 U.S.C. 103(a) as being unpatentable over Sorrells as applied to claim 13 above, and further in view of Kaplan et al '885.

Considering claim 15, Sorrells does not specifically recite the input circuit comprises means for supplying a signal representative of a clock signal when electromagnetic radiation is received. However, Kaplan teaches in col 9, line 64 to col 10, line 48 the use of a carrier time base signal generator (26) utilize to modulate an amplitude modulated signal. Sorrells discloses in col 2, lines 1-17 and col 6, lines 52-59 the amplitude modulation of the interrogation signal, which is transmitted to the interrogator in responses to the interrogator's signal. Therefore, it would have been obvious to one of ordinary skill in the art to include in the Sorrells receiver circuit a clock signal when electromagnetic radiation is received as taught by Kaplan because both references are concern with transmission of a amplitude modulated signal in response to an interrogated signal.

***Allowable Subject Matter***

Claim 28 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 4,24,30,33,34,36-38,43, and 47-51 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Troky et al '807 disclose producing a high frequency transmission signal in an inductively coupled transponder system. Gray teaches transmitting a power/clock signal in an electromagnetic communication system. Baer et al '310 teaches controlling a circuit breaker in an electromagnetic communication system.

1. Any inquiry concerning this communication should be directed to Examiner Timothy Edwards at telephone number (571) 272-3067. The examiner can normally be reached on Tuesday-Friday, 8:00 a.m.-6:00 p.m. The examiner cannot be reached on Mondays.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (571) 272-3068.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-4700, Mon-Fri., 8:30 a.m.-5:00 p.m.

Any response to this action should be mailed to:

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Washington, D.C. 20231

or fax to:

(703), 872-9314 (for formal communications intended for entry)

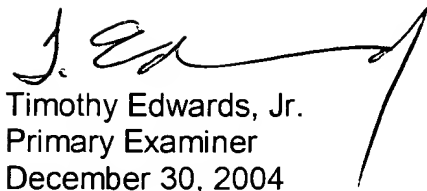
Or:

(for informal or draft communications, please label "PROPOSED"

or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA, Sixth Floor, (Receptionist).

  
Timothy Edwards, Jr.  
Primary Examiner  
December 30, 2004